

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:
City of Detroit, Michigan,
Debtor.

Chapter 9
Case No. 13-53846
Hon. Steven W. Rhodes

**Order Denying Motion to Clarify the Court's July 25, 2013 Stay Order
Relating to the State Court Filing of a *Quo Warranto*
Action Against Then Mayor-Elect (Now Mayor) Mike Duggan**

This matter is before the Court on the Emergency Motion of Robert Davis and Citizens Against Corrupt Government (collectively, "Petitioners") for Clarification of the Court's July 25, 2013 Orders Relating to the State Court Filing of a *Quo Warranto* Action Against Mike Duggan. (Dkt. #2102). The Petitioners seek an order clarifying that this Court's earlier orders do not apply to their proposed *quo warranto* action. The City has filed a response in opposition to the motion. (Dkt. # 2340) The Court concludes that oral argument is not necessary to resolve the motion.

As they explain in their Motion, Petitioners wish to pursue a *quo warranto* action against Mayor Duggan in his official capacity. At the time the Petitioners filed their Motion, then Mayor-Elect Duggan had not yet assumed office. Thus, in their Motion, Petitioners refer to their efforts to "prevent mayor-elect Duggan from taking office." Mayor Duggan did however officially take office on January 1, 2014. The Court assumes that the Petitioners would now seek to remove Mayor Duggan on the same grounds.

The Court concludes that the motion should be denied.

The Court's July 25, 2013 stay orders – Confirming the Protections of Sections 362, 365 and 922 of the Bankruptcy Code (Dkt. #167), and Extending the Chapter 9 Stay to Certain (A) State Entities, (B) Non Officer Employees and (C) Agents and Representatives of the Debtor

(Dkt. #166) – are applicable to Petitioners’ *Quo Warranto* Application, as well as to any other attempts by the Petitioners to pursue a *quo warranto* action to remove Mayor Duggan from office. Petitioners seek the removal of the elected head of the City’s Executive Branch. Their success would plainly be to the great detriment of the City as it endeavors to negotiate and seek confirmation of a plan of adjustment. The Petitioners’ proposed *quo warranto* action therefore states a “claim” against the City, as that term is broadly defined in the Bankruptcy Code, 11 U.S.C. § 101(5).

Accordingly, it is hereby ordered that Petitioners’ Motion is denied. In their Motion, Petitioners seek only clarification of the July 25, 2013 stay orders. Petitioners do not seek relief from the stay. The requested relief is therefore denied without prejudice to the Petitioners’ right to seek relief from the stay.

Not for Publication

Signed on January 14, 2014

/s/ Steven Rhodes
Steven Rhodes
United States Bankruptcy Judge